

PLANNING COMMISSION MINUTES

December 4, 2002

CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:01 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Eric Johansen, Dan Maks, Shannon Pogue and Scott Winter.

Development Services Manager Steven Sparks, AICP; Planning Services Manager Hal Bergsma; Associate Planner Sambo Kirkman; Associate Planner Suzanne Carey; Senior Planner Barbara Fryer; Transportation Planner Don Gustafson; Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Planning Services Manager Hal Bergsma discussed Metro's activities with regard to the proposed expansion of the Urban Growth Boundary (UGB), observing that several Open Houses had occurred in the past month. Noting that this action would have some impact upon the boundaries of both the City of Beaverton and the City of Hillsboro, he briefly described the current proposal and provided illustrations indicating the changes and which areas would be affected. Concluding, he explained the process involved in expanding the UGB, and offered to respond to questions.

1 Commissioner Maks commended Mr. Bergsma and Mr. Grillo for their
2 efforts on this project.

3
4 **OLD BUSINESS:**

5
6 Chairman Voytilla opened the Public Hearing and read the format for
7 Public Hearings. There were no disqualifications of the Planning
8 Commission members. No one in the audience challenged the right of
9 any Commissioner to hear any of the agenda items, to participate in
10 the hearing or requested that the hearing be postponed to a later date.
11 He asked if there were any ex parte contact, conflict of interest or
12 disqualifications in any of the hearings on the agenda. There was no
13 response.

14
15 **CONTINUANCES:**

16
17 **A. RZ 2002-0021 – PROGRESS REZONE AT SW HALL**
18 **BOULEVARD: ZONE CHANGE – R-2 TO CS**

19 The applicant requests approval of a Zone Change from Urban
20 Medium Density (R-2) to Community Service (CS). The property is
21 generally located on the north side of SW Hall Boulevard and east
22 of SW Scholls Ferry Road, can be specifically identified as Tax Lot
23 800 on Washington County Assessor's map 1S1-26BC, and is
24 approximately 0.24 acres in size.

25
26 Observing that he had not been in attendance at the previous hearing
27 on November 20, 2002, Chairman Voytilla stated that although he had
28 read the Staff Report and related documents, he would abstain from
29 voting on this issue.

30
31 Commissioner Maks mentioned that he had made another visit to the
32 site, adding that he had not had any contact with any individual(s)
33 with regard to this application.

34
35 Observing that this application had been continued at the request of
36 the applicant at the previous meeting on November 20, 2002, Associate
37 Planner Sambo Kirkman stated that the issues had been addressed by
38 the applicant, adding that staff continues to recommend approval, and
39 offered to respond to questions.

40
41 Commissioner Maks commended Ms. Kirkman for providing an
42 excellent Memorandum that had answered many of his questions,
43 adding that he basically has only one question. Referring to Item No. 6
44 listed on page 3 of the Memorandum, he requested clarification with

1 regard to the origin of the money in excess of what has been indicated
2 as available.

3
4 Transportation Planner Don Gustafson pointed out that he had simply
5 assumed that this involved a reasonable scenario with regard to this
6 specific case, adding that his assumption is based upon what he
7 referred to as the long run.

8
9 Commissioner Maks advised Mr. Gustafson that he does not agree that
10 this is a reasonable scenario, emphasizing that it is necessary to
11 always consider the most conservative view, which would involve the
12 existing financially constrained conditions and the percentage based
13 upon those conditions.

14
15 Chairman Voytilla requested that paragraph 9 of page 4 be clarified for
16 the record, to have a word changed from “doe” to “does”.

17
18 **APPLICANT:**

19
20 **LEE LEIGHTON**, representing *Westlake Consultants*, on behalf of the
21 applicant, Rajiv Judge, mentioned that the applicant’s Traffic
22 Engineer, John Deskins, is here as well, adding that he would address
23 the assumptions utilized and the results obtained in the analysis.
24 Observing that the applicant had made every effort to address all of
25 the Commission’s concerns fully and fairly, he pointed out that in
26 response to Commissioner Maks’ question whether the property should
27 remain residentially zoned, the applicant had provided information
28 with regard to the feasibility of anyone developing anything on that
29 site. He emphasized that no developer would spend money to develop
30 the property residentially, noting that such a project could not possibly
31 pay its own way. Noting that the goal is to achieve the highest and
32 best use for the property to the benefit of the entire community, he
33 pointed out that this does not necessarily refer to every individual
34 piece. He explained that if it is not possible to reasonably expect
35 redevelopment of that property to occur with residential zoning, then
36 there is no way to assume that anything would occur beyond what
37 currently exists on the site, which involves an existing non-conforming
38 use. He pointed out that this use is of very little value and would not
39 provide much benefit to the community, suggesting that modest
40 redevelopment potential does exist. He mentioned that the applicant
41 has proposed the more restrictive of the five commercial zones for
42 which this property is eligible under applicable criteria, adding that
43 the property is not large enough to meet the size requirements for
44 three of these commercial zones. He briefly discussed several options

1 available for this site, emphasizing that the applicant had proposed the
2 most feasible use.

3
4 Mr. Leighton discussed the jurisdiction for the driveway, more
5 specifically who is responsible to determine how this driveway would
6 operate in the future, adding that this involves the City of Beaverton,
7 Oregon Department of Transportation (ODOT), and the applicant.

8
9 **JOHN DESKINS**, representing *NWS Traffic Engineering*, mentioned
10 that in addition to the supplemental written report that had been
11 submitted, he would provide information with regard to this proposal.
12 He discussed predictions with regard to long-term growth rates, trip
13 generation rates, and the financially constrained model utilized by
14 Metro specifically relating to two-hour traffic volume as it relates to
15 the one-hour traffic volume addressed by the applicant. He mentioned
16 the pass-by trip generation rate, and briefly discussed the projected
17 impact upon SW Hall Boulevard based upon the proposed commercial,
18 rather than residential uses. Observing that the applicant does not
19 disagree that the trip generation for commercial would definitely
20 exceed that generated by residential use, he discussed the potential
21 worst case scenario, noting that this would most likely involve a
22 convenience market. He discussed access, site distances of driveways,
23 and speed limits, adding that based upon the standards of the City of
24 Beaverton with regard to site distances for driveways and
25 intersections, this proposal meets the requirements for the 40 mph
26 facility. Concluding, he stated that he had reviewed and validated the
27 assumptions that had been questioned by the Planning Commission at
28 the previous hearing, adding that the applicant has reanalyzed both
29 the short-term and long-term traffic scenarios, including the changes
30 to the gross floor area, and offered to respond to questions.

31
32 Commissioner Maks complimented Mr. Deskins for responding
33 appropriately to questions with regard to site distance, observing that
34 this does not occur very often, emphasizing that this is one of the most
35 well prepared submittals of additional requested information he has
36 reviewed. He expressed his appreciation of Mr. Leighton's efforts at
37 providing the requested information. Referring to page 13 of the
38 applicant's submittal, he commented that it is always incumbent upon
39 the applicant to make certain that their Traffic Engineer is available to
40 respond to questions. He pointed out that an increased public
41 awareness with regard to necessary improvements does not necessarily
42 indicate that funding for these improvements would become available.

43

1 Mr. Deskins observed that it is sometimes difficult to determine the
2 most reasonable solution to an issue.

3
4 Commissioner Maks pointed out that the most reasonable solution
5 determined by the applicant requires more than what is available
6 through anticipated funding.

7
8 Mr. Deskins described additional funding available through ODOT
9 that had not been originally anticipated.

10
11 Commissioner Johansen requested clarification with regard to the
12 anticipated purposes of this funding, specifically whether light rail and
13 other uses are included.

14
15 Mr. Deskins stated that he is not familiar with all of the projects to be
16 funded through this source.

17
18 Commissioner Maks discussed vehicular trips accessing the driveway,
19 observing that while 1,240 estimated trips would be generated on a
20 daily basis by the proposed use, the existing zoning would create only
21 27 or 28 vehicular trips per day. He requested clarification with
22 regard to how the proposed zone change works within the spirit of
23 Comprehensive Plan Policy No. 6.2.3.h, which provides that access
24 management standards for arterial and collector roadways consistent
25 with City, County, and State Requirements are maintained, and that
26 conflicts between vehicles and trucks, as well as between vehicles,
27 bicycles, and pedestrians are reduced. Referring to Comprehensive
28 Plan Policy No. 6.5.8 which addresses access management,
29 emphasizing that access management is important to maintaining
30 traffic flow and mobility and addressing the needs of all users,
31 including bicyclists and pedestrians, and pointed out that this is
32 particularly true with regard to high-volume roadways. He explained
33 that local and neighborhood streets function primarily to provide
34 access, while collector and arterial streets serve greater traffic volume,
35 adding that numerous driveways or street intersections increase the
36 number of conflicts and potential for accidents, while decreasing
37 mobility and traffic flow. He advised the applicant that it would be
38 necessary to convince him with regard to why he should approve of
39 increasing the vehicular trips from 27 to 1,240.

40
41 Observing that SW Hall Boulevard did not involve the arterial function
42 in the past that exists at this time, Mr. Leighton pointed that because
43 both access standards and access management standards were also

1 different, there is currently a series of driveways and intersections that
2 does not meet those guidelines or standards.

3
4 Observing that this is not what he had stated, Commissioner Maks
5 advised Mr. Leighton that he had questioned how the increased
6 vehicular trips follows with the spirit of this particular policy of the
7 Comprehensive Plan, emphasizing that he had never indicated that
8 there should not be a driveway.

9
10 Mr. Leighton apologized for his misunderstanding of Commissioner
11 Maks' statements.

12
13 Commissioner Maks explained that he knows there is a driveway, but
14 in looking at examples such as SW Canyon Road, where there are
15 issues with driveways along the arterials, he wonders how increasing
16 the trip generation by this level within the zone change meets the
17 spirit of the policies identified.

18
19 Observing that the history of this particular site is awkward, Mr.
20 Leighton compared the situation to the driveways located on SW
21 Canyon Road, which includes long stretches and numerous driveways
22 that are not present in this particular area.

23
24 Commissioner Maks pointed that if approved, this proposed zone
25 change would be addressed through the Design Review process, adding
26 that only so many options are available with regard to transportation
27 involving an outright use. He expressed concern with traffic flow and
28 turning movements, adding that while he agrees that some type of
29 commercial use is appropriate for this site, the issue involved is at
30 what cost. He requested information with regard to an ITE level for a
31 *Starbucks*.

32
33 Observing that an espresso stand had been considered at one point,
34 Mr. Leighton pointed out that he does not have the information
35 available at this time.

36
37 Commissioner Johansen requested clarification with regard to the
38 traffic count. He asked if the annual transportation volumes were for
39 SW Hall Boulevard at SW Scholls Ferry Road.

40
41 Mr. Deskins advised Commissioner Johansen that he believes that the
42 volumes are for the location is just east of SW Scholls Ferry Road.
43

1 Commissioner Johansen questioned the possibility that the data is
2 incorrect.

3
4 Mr. Deskins pointed out that while it is possible, there is no reason to
5 assume that the data is incorrect.

6
7 Mr. Leighton pointed out that it is important to recognize that the
8 tenants in the various strip malls have a tendency to change over a
9 period of time, emphasizing that this also creates changes in the trip
10 generation patterns.

11
12 **RAVIV JUDGE** stated that he is both the applicant and property
13 owner, noting that he had submitted a prepared statement. He
14 focused on one major issue with regard to the proposal, specifically the
15 viability of a convenience store actually locating on this site, adding
16 that *7-11 Stores* had advised him of their intent to actually reduce,
17 rather than increase, the number of local stores in this area. He
18 pointed out that the response from *Plaid Pantry Stores* is available for
19 review within the packets that had been provided to the Planning
20 Commissioners, emphasizing that from a practical perspective, neither
21 a *7-11* nor a *Plaid Pantry* would be located on this site.

22
23 **PUBLIC TESTIMONY:**

24
25 No member of the public testified with regard to this application.

26
27 Ms. Kirkman advised the applicant that all display materials utilized
28 in their presentation must be submitted to be included in the record,
29 adding that it is necessary to specifically evaluate the application
30 policies within the Comprehensive Plan. She noted that Policy No.
31 6.5.8 identifies the access management issues and supporting
32 information on the subject.

33
34 Mr. Gustafson described staff's concern, observing that that they
35 involve many of those expressed by members of the Planning
36 Commission.

37
38 Assistant City Attorney Ted Naemura indicated that he had no
39 comments with regard to this proposal.

40
41 The public portion of the Public Hearing was closed.

42
43 Commissioner Bliss commended the applicant for what he referred to
44 as a good submittal with regard to additional information requested by

1 the Planning Commission, adding that he would support a motion for
2 approval of the application.

3
4 Commissioner Barnard expressed his opinion that Commissioner Maks
5 had made some great points with regard to driveway access and other
6 issues, adding that it is also important to consider what is appropriate
7 for a specific area. He mentioned that the application had been well
8 prepared, adding that the proposed zoning is appropriate for this area.
9 Observing that he still has some concerns with regard to traffic issues,
10 he stated that he would support a motion for approval.

11
12 Emphasizing that this site is clearly difficult to develop, Commissioner
13 Johansen pointed out that this issue is not applicable criteria with
14 regard to approval. He discussed concerns with zoning with regard to
15 the context of the infrastructure, adding that while it is reasonable to
16 assume that future improvements would conceivably accommodate this
17 sort of traffic increase reasonably without a significant impact to the
18 transportation system, he does not believe that either the financial or
19 political resources are available to justify this proposal. He stated that
20 for the reasons outlined by Commissioner Maks, the application does
21 not meet the applicable criteria, adding that he could not support a
22 motion for approval.

23
24 Commissioner Pogue agreed that the proposal involves a site that is
25 tough to develop, adding that while the proposed zone appears to be
26 appropriate for this site, he appreciates Commissioner Maks' expertise
27 and knowledge, particularly with regard to potential traffic impact,
28 and is not willing to support a motion for approval.

29
30 Observing that difficulty with regard to the development of a site is not
31 applicable criteria for approval, Commissioner Maks stated that he is
32 unable to support the application.

33
34 Commissioner Winter stated that although he is concerned with the
35 traffic flow, he is in support of the application.

36
37 Chairman Voytilla reiterated that he intends to abstain from voting on
38 this issue because he had not been in attendance at the original public
39 hearing, observing that three Commissioners are in favor of the
40 application while three Commissioners are opposed to the application.

41
42 Commissioner Bliss noted that while he realizes that the Planning
43 Commission is obligated to follow the Development Code, it is also
44 necessary to exercise reason and judgment with regard to how this

1 particular property is developing, adding that he supports the
2 application.

3
4 Commissioner Maks pointed out that Commissioner Bliss had
5 described exactly his reasons for not supporting this application,
6 adding that he also agrees that this area should be zoned
7 commercially.

8
9 Commissioner Bliss pointed out that this is a commercial area with a
10 residential zoning designation, emphasizing that there will never be an
11 opportunity for this property to develop residentially. He mentioned
12 that this very small piece of property would create very little impact in
13 the area.

14
15 Commissioner Barnard expressed his opinion that CS is an
16 appropriate zoning designation for this property, adding that it is
17 necessary to make decisions based upon the assumption that the
18 Transportation System Plan (TSP) will proceed as anticipated.

19
20 Observing that there are other items on the agenda and that it does
21 not appear that the Commissioners are able to reach consensus with
22 this issue at this time, Chairman Voytilla suggested that the hearing
23 be continued to allow him the opportunity to review the tape from the
24 previous meeting in order to make an informed decision with regard to
25 this application.

26
27 Development Services Manager Steven Sparks suggested that
28 continuing this item to December 18, 2002, would provide
29 Commissioner Voytilla with the opportunity to review the tapes and
30 become familiar with the issue.

31
32 Commissioner Barnard **MOVED** and Commissioner Winter
33 **SECONDED** a motion to continue RZ 2002-0021 – Progress Rezone at
34 SW Hall Boulevard: Zone Change – R-2 to CS, to a date certain of
35 December 18, 2002.

36
37 Commissioner Johansen pointed out that this item has been heard on
38 two separate occasions, adding that there has been a great deal of
39 discussion. He expressed his concern with what he referred to as
40 continually allowing bites of the apple, emphasizing that he is ready to
41 make a decision and is not in favor of allowing this item to be
42 continued again.

43

1 Commissioner Maks stated that he is very concerned with the 120-day
2 deadline as it relates to fulfilling his responsibilities.

3
4 Noting that staff has provided assurance that there is no great amount
5 of concern at this time with regard to the 120-day rule, Commissioner
6 Barnard suggested that Chairman Voytilla be provided with an
7 opportunity to review the tape so he is able to participate in the
8 decision with regard to this issue.

9
10 Observing that he has no intention of submitting any additional
11 information with regard to this proposal, Mr. Leighton stated that he
12 considers the record closed.

13
14 Motion **CARRIED**, unanimously, with the exception of Commissioner
15 Johansen, who voted in opposition to the continuance.

16
17 8:55 p.m. – Mr. Sparks, Ms. Kirkman, and Mr. Gustafson left.

18
19 8:55 p.m. to 9:04 p.m. – recess.

20
21 **NEW BUSINESS:**

22
23 **PUBLIC HEARINGS:**

24
25 **A. ZMA 2002-0025 – MILLIKAN WAY ZONING MAP**
26 **AMENDMENT**

27 The purpose of the application is to apply the zoning district that is
28 appropriate to implement a new Regional Center Comprehensive
29 Plan designation for specific properties that went into effect on
30 February 7, 2002. The properties are now zoned General
31 Commercial (GC), which is intended for businesses that require
32 extensive outdoor storage and/or display of merchandise,
33 equipment, or inventory. The 21 affected properties are proposed to
34 change to Regional Center – Transit Oriented (RC-TO), which is a
35 multiple use district that promotes transit and pedestrian oriented
36 development. The specific uses allowed by the proposed zoning
37 district can be referred to in the Beaverton Development Code.

38
39 This legislative map amendment change will affect the following
40 tax lots: 1S1-09DC00900; 1S1-09DC01100; 1S1-09DC01200; 1S1-
41 09DC00901; 1S1-09DC01001; 1S1-09DC01002; 1S1-09DC01000;
42 1S1-16AB00401; 1S1-16AB00400; 1S1-16AB00900; 1S1-
43 16AB00800; 1S1-16AB00600; 1S1-16AB00501; 1S1-16AB00500;

1 1S1-16A00700; 1S1-16AB02500; 1S1-16AB02900; 1S1-16AB02300;
2 1S1-16AB03100; 1S1-16AB02100; and 1S1-16AB02200.

3
4 Associate Planner Suzanne Carey presented the Staff Report and
5 confirmed that the associated notices had been provided, as required
6 by law. She discussed the procedure that had been followed with
7 regard to this proposal and briefly referenced associated actions.
8 Observing that this area had originally been part of the South
9 Tektronix Station Community, she pointed out that property owners
10 had appealed the Station Community application prior to City Council
11 approval, adding that in order to resolve this appeal, the property was
12 removed from the South Tektronix Station Community with the
13 understanding that this area would be included in the proposed
14 Beaverton Downtown Regional Center with a Regional Center zoning
15 designation. She noted that a communication has been received from
16 Jennie Barrett, representing *Sunset Fuel Company*. Concluding, she
17 stated that the proposal meets applicable criteria, recommended
18 approval, and offered to respond to questions.

19
20 On question, Ms. Carey advised Commissioner Johansen that this
21 application falls under the jurisdiction of the new Development Code
22 and falls under the category of Bulk Fueling rather than Minor
23 Automotive.

24
25 Chairman Voytilla referred to a letter submitted by *Sunset Fuel*,
26 observing that he is not familiar with any action on the part of the
27 Planning Commission with regard to granting the exemption
28 mentioned in this letter.

29
30 Ms. Carey advised Chairman Voytilla that this property had been
31 pulled out of the South Tektronix Station Community for the purpose
32 of becoming part of the Regional Center, adding that she is not certain
33 that this is what *Sunset Fuel* is referring to.

34
35 Commissioner Bliss requested information with regard to the
36 classification of Bulk Fueling.

37
38 Ms. Carey informed Commissioner Bliss that Bulk Fueling is defined
39 as a fueling gas station that dispenses fuel without the aid of an on-
40 site attendant and with card lock facilities.

1 **PUBLIC TESTIMONY:**

2
3 **DOMINIC BIGGI** referred to a letter, dated November 26, 2002,
4 which he had submitted to the City of Beaverton, noting that this
5 document had not been included in the packet. At the request of
6 Commissioner Maks, he read this letter requesting that his property
7 be excluded from the proposed zoning map amendment.

8
9 Mr. Naemura pointed out that a new regulation of the Development
10 Code requires the submittal of ten copies of any document prior to the
11 hearing.

12
13 9:05 p.m. -- Mr. Bergsma left the room to make copies of Mr. Biggi's
14 letter for distribution to members of the Planning Commission.

15
16 Mr. Biggi discussed the rezone process, observing that he has come out
17 of retirement in an effort to help to create appropriate zoning for this
18 property, adding that the only property he owns at this time involves
19 the Firestone Building. Observing that this property does not truly
20 belong within this particular rezone proposal, he described SW Cedar
21 Hills Boulevard as a sort of a Berlin Wall, expressing his opinion that
22 there is no appropriate reason to rezone this particular area at this
23 time.

24
25 Commissioner Johansen expressed his concern with the fact that Mr.
26 Biggi should have raised these issues earlier in the process.

27
28 Mr. Biggi pointed out that staff had not followed the process he had
29 anticipated.

30
31 Commissioner Bliss questioned whether Mr. Biggi had been advised
32 that his property would not be included in this particular rezone.

33
34 Mr. Biggi stated that his understanding had been that in consideration
35 for rescinding his appeal, the City of Beaverton would agree not to
36 include his property in this rezone action, adding that he had realized
37 that the issue of rezoning this property would come up again at some
38 future point.

39
40 **PETER FRY**, Land Use Planner, stated that he would like to present
41 two questions, adding that it is not necessary for the Planning
42 Commission to respond at this time. He pointed out that he would
43 also like to discuss the history of the site, as well as why the proposed
44 zone change is not a good idea at this particular time. Referring to

1 Criteria No. 3, which states that the proposal conforms to the
2 applicable policies of the City of Beaverton's Comprehensive Plan, he
3 noted that staff's interpretation of those criteria is that any zone
4 identified within the Comprehensive Plan designation is consistent
5 with this plan. He pointed out that this document states that the
6 applicable Comprehensive Plan policies are not actually applicable to
7 this discussion. He noted that this could present a problem when
8 considering that when other jurisdictions take action on legislative
9 zone changes, it is often necessary to address traffic impact and other
10 issues involved in a dramatic change to an area. Observing that he
11 does not have adequate knowledge to second guess staff with regard to
12 this issue, he expressed his opinion that this zone change is not
13 actually what he referred to as a "done deal" at this time. He briefly
14 discussed the history of the area, referring to the introduction of the
15 light rail into the area, emphasizing the necessity of making certain
16 that the zoning supported the light rail facility, with the result that
17 some of the property owners discovered that they would be zoned
18 completely out of existence.

19
20 Commissioner Johansen stated that the fact that this area had been
21 specifically considered for removal from South Tektronix indicates that
22 somebody had been dealing with the area west of SW Cedar Hills
23 Boulevard during that process.

24
25 Agreeing with Commissioner Johansen, Mr. Fry explained Mr. Biggi's
26 agreement to withdraw his appeal in exchange for removing his
27 property from this proposed rezone action. He questioned what is the
28 damage of simply adopting this proposed zoning, adding that this area
29 needs to be redeveloped and that greater than 70% of these uses
30 should be eliminated. He expressed concern with imposing certain
31 limitations upon buildings, adding that the smaller properties are
32 essentially frozen into a position where they are unable to develop. He
33 explained that property owners are intimidated by high Floor Area
34 Ratios (FARs), which are basically troublesome to them.

35
36 Commissioner Johansen commented that the region, rather than
37 Washington County or Clackamas County, had killed South Park,
38 adding that light rails that have been defeated at the polls have an
39 amazing ability to be resurrected in some form, which relies upon
40 substantial regional funding.

41
42 Mr. Fry pointed out that in the process of determining his political
43 calculation in the coming year, he had discovered that the Beaverton
44 Planning Commission is pretty forceful in their opinions, adding that

1 he had decided that it would be appropriate for him to be opinionated
2 as well.

3
4 **WENDY INGLISH**, representing *Sunset Fuel*, referred to their letter
5 that had been submitted, adding that she tends to agree with Mr.
6 Biggi's recollection that the proposal for a rezone would be presented to
7 the property owners for discussion prior to any action. She discussed
8 her concerns with regard to the commercial fueling station, including
9 future updates and potential nonconformance.

10
11 **MARY NELSEN**, representing *Canyon Glass*, requested clarification
12 with regard to why these particular properties had been selected for
13 this rezone, specifically why all the remaining property located in the
14 same proximity to the light rail had not been included. She
15 emphasized that she does not consider this action justifiable, and
16 requested that the Planning Commission reconsider this proposal and
17 provide the property owners with the opportunity to participate in a
18 decision.

19
20 Senior Planner Barbara Fryer pointed out that the information that
21 had just been distributed to the Planning Commissioners is from the
22 South Tektronix Appeal file, adding that this document, dated January
23 27, 2000, is addressed to Dominic Biggi from Planning Services
24 Manager Hal Bergsma. She quoted from the fourth paragraph, as
25 follows: "Staff suggests that both the South Tektronix Comprehensive
26 Plan Map and Zoning District Map be modified to exclude the area
27 currently zoned General Commercial (GC) and is located east of SW
28 Hocken Street, north of SW Tualatin Valley Highway, west of SW
29 Cedar Hills Boulevard, and south of the west side light rail track."
30 While this area is located within approximately ½ mile of both the
31 Millikan Way Light Rail Station and the Beaverton Central Light Rail
32 Station, staff recommends that this area be included within the
33 Regional Center – Transit Oriented (RC-TO) district, adding that this
34 is based upon the finding that this area is located within the Beaverton
35 Central Light Rail Station area. Staff also recommends rezoning the
36 area accordingly and completing this change through a separate
37 amendment proposal by the end of 2002 in order to satisfy the Periodic
38 Review Schedule. She mentioned that along with this letter, specific
39 changes were made to the South Tektronix regulations in order to
40 provide for nonconforming use modifications.

41
42 Referring to a letter in the file from Dominic Biggi, Ms. Fryer pointed
43 out that this letter dated January 30, 2000, was submitted on behalf of
44 the Beaverton Citizens for a Better Downtown, adding that this letter

1 indicates receipt of Mr. Bergsma's letter dated January 27, 2000, with
2 regard to their appeal of the South Tektronix Zone Change, indicating
3 that the actions proposed by the City of Beaverton would resolve the
4 issues included in their appeal. She pointed out that the history of
5 this area is a bit misstated in terms of how this particular proposal
6 occurred, adding that property owners had been invited to participate
7 in the Southtek Plan, which had been in place from 1998 and adopted
8 in 2000. She explained that an appeal had been filed, adding that this
9 particular had been a negotiated settlement based upon that appeal.

10
11 Ms. Fryer briefly discussed maximum Floor Area Ratios with regard to
12 the sizes of particular lots. She discussed Ms. English's concerns with
13 regard to *Sunset Fuel*, observing that they would be allowed to
14 continue their bulk fuel dealership activities as they are currently
15 operating, adding that they would also have the ability to replace their
16 fuel pumps and upgrade their facility as required by the Department of
17 Environmental Quality (DEQ). She emphasized that the only
18 limitations that would be imposed upon them would relate to the
19 creation of a new enclosed structure, which would be subject to the
20 nonconforming regulations within the Development Code. She
21 emphasized that the intent of this zone is to allow for the
22 redevelopment of these areas, specifically of buildings such as the one
23 referenced by Ms. English, observing that this structure is in disrepair
24 and needs to be replaced. She pointed out that this would provide an
25 opportune time to make changes that would foster transit and
26 pedestrian oriented types of development. Concluding, she offered to
27 respond to questions.

28
29 Mr. Bergsma mentioned that Mr. Biggi had commented that the City
30 of Beaverton is no longer subject to Table 1 of Title 1 of the Metro
31 Urban Growth Management Functional Plan, which establishes
32 certain growth targets in terms of employment and dwelling units for
33 each City and County within the region. Emphasizing that the City of
34 Beaverton is still subject to these standards, he noted that any time
35 zoning or the Comprehensive Plan Land Use Map is revised it becomes
36 necessary to advise Metro and provide them with an opportunity to
37 comment. He pointed out that recently the City of Beaverton had not
38 even come close to meeting the target for employment, and had only
39 come within 91% of meeting the target with regard to dwelling units.
40 He expressed his opinion that this had occurred because the targets
41 had been established too high initially, adding that this creates the
42 perception that the City of Beaverton is not trying hard enough.

1 Commissioner Barnard discussed past experiences on various rezones,
2 emphasizing that the Planning Commission has always been very open
3 to the opinions of property owners, and questioned whether staff
4 intends to attempt to work with the affected property owners with
5 regard to this proposal.

6
7 Observing that the appeal has already been resolved with regard to the
8 South Tektronix Plan, Ms. Fryer pointed out that the proposal
9 included a housing component for these properties, adding that the
10 property owners had negotiated with staff. She emphasized that the
11 documents clearly state that Community Development Director Joe
12 Grillo, Associate Planner Veronica Smith, Assistant City Attorney Ted
13 Naemura, and Planning Services Director Hal Bergsma had been
14 involved in this meeting at which Dominic Biggi had represented the
15 property owners, adding that the results of this meeting had indicated
16 that this proposal provided an acceptable settlement.

17
18 Mr. Bergsma reiterated that staff is always open for discussion with
19 the property owners, adding that additional information could be
20 provided, upon request. He pointed out that while staff is also willing
21 to consider any ideas with regard to issues involving the Development
22 Code, staff does recommend that the previously applied plan
23 designation be implemented at this time.

24
25 Commissioner Maks emphasized that the basic reason for this proposal
26 involves a zone change, adding that other issues are not relevant at
27 this particular time.

28
29 The public portion of the Public Hearing was closed.

30
31 Observing that he supports the application, Commissioner Maks
32 stated that he does not agree with this particular process.

33
34 Commissioner Pogue pointed out that he had changed his mind,
35 adding that he does support this application.

36
37 Chairman Voytilla expressed his concern with some of the testimony
38 that has been received, adding that other information is available and
39 that he is in support of the application.

40
41 Commissioner Bliss pointed out that he had changed his mind with
42 regard to this proposal approximately four times throughout the
43 evening, adding that he had been surprised with regard to the
44 definition of bulk fuel sales.

1 Commissioner Maks advised Commissioner Bliss that the late
2 Commissioner Heckman had spent a great deal of time and made a lot
3 of improvements to this section of the Development Code.

4
5 Commissioner Bliss stated that he would support a motion for
6 approval of the application.

7
8 Chairman Voytilla reopened the Public Hearing to hear additional
9 rebuttal testimony by Mr. Biggi.

10
11 **REBUTTAL:**

12
13 Mr. Biggi discussed the transit-oriented issues that had been
14 considered in January 2000, adding that he has been debating this
15 issue with the City of Beaverton legally, legislatively, and politically
16 since that time. He emphasized that his interpretation of what had
17 occurred is that it had been determined that at some future point, the
18 property owners would meet with staff to consider this property for the
19 purpose of creating a zoning code for that specific area.

20
21 Mr. Fry pointed out that under the proposal, *Firestone Sales* would
22 become a prohibited use, rather than a conditional use, emphasizing
23 that cities do not grow with this type of zoning that has been proposed.

24
25 Commissioner Bliss expressed appreciation to Mr. Fry for bringing
26 these issues to the attention of the Planning Commission. Observing
27 that he had understood that this application should be reviewed under
28 the current Development Code, he questioned whether this section of
29 the code is verbatim to the one that was effective in the year 2000.

30
31 Ms. Fryer noted that nothing has changed with regard to this
32 particular section, adding that the Southtek area has the same or
33 similar nonconforming regulations as those in the Regional Center.

34
35 Commissioner Bliss emphasized that similar is not the same.

36
37 Mr. Fry described this hugely controversial issue, adding that due to a
38 lack of proper notification, the City of Beaverton had refused to apply
39 this on a citywide basis.

40
41 Advising Mr. Biggi that he believes his testimony, Commissioner Maks
42 pointed out that because tonight's issue involves a zone change, the
43 Planning Commission is unable to address Mr. Biggi's issues with
44 regard to text amendments through this application. He explained

1 that the Comprehensive Plan has been adopted, adding that it is now
2 necessary to apply a zoning designation to this plan.

3
4 Mr. Biggi noted that the zone change was initiated by the City of
5 Beaverton.

6
7 Ms. Fryer clarified that while staff's definition of Automotive Services
8 – Minor involves service or repair to motorized vehicles and does not
9 include the body or frame, it does include gasoline/service stations, tire
10 sales or installation, glass installation, radiator repair, detail shops, or
11 other similar service and/or repair, and would cover activities at
12 *Firestone Sales*.

13
14 The public portion of the Public Hearing was closed.

15
16 Commissioners Maks, Pogue, Bliss, and Johansen and Chairman
17 Voytilla stated that they are still in support of the application.

18
19 Commissioner Winter pointed that while one negative vote would have
20 no impact, the process is inadequate and the public should have been
21 provided with an opportunity to participate in this decision, adding
22 that he does not support this proposal.

23
24 Commissioner Barnard emphasized that although staff historically
25 works very well with property owners and both parties have been
26 moving forward with integrity and honesty, he believes that the
27 intentions were different from this proposal, adding that he does not
28 support this application at this time.

29
30 Commissioner Maks advised Commissioner Barnard to cite the specific
31 criteria under which he would like to deny this zone change.

32
33 Commissioner Barnard clarified that he is not denying the zone
34 change, reiterating that he is not voting for it.

35
36 Commissioner Maks questioned whether Commissioner Barnard
37 intends to abstain from voting on this issue, he emphasized that it is
38 necessary to cite specifics with regard to code criteria. He pointed out
39 that while he does agree with Commissioner Barnard, he is unable to
40 find specific criteria under which to deny this application.

41
42 Commissioner Barnard expressed his opinion that the appropriate
43 criterion is included in staff's letter.

44

1 Chairman Voytilla emphasized that the process is the driving force,
2 adding that the criteria have to follow

3
4 Commissioner Maks reluctantly **MOVED** and Commissioner Johansen
5 **SECONDED** a motion to approve ZMA 2002-0025 – Millikan Way
6 Zoning Map Amendment, based upon the testimony, reports and
7 exhibits, and new evidence presented during the Public Hearing on the
8 matter, and upon the background facts, findings and conclusions found
9 in the Staff Report dated November 25, 2002.

10
11 Commissioner Barnard requested that the motion maker accept an
12 amendment to request that the City Council to work with property
13 owners and staff.

14
15 Commissioner Maks stated that he does not accept Commissioner
16 Barnard's friendly amendment.

17
18 Motion **CARRIED**, as follows:

19
20 **AYES:** Bliss, Johansen, Maks, Pogue, and Voytilla.

21 **ABSENT:** None.

22 **ABSTAIN:** None.

23 **NAYS:** Barnard and Winter.

24
25 Commissioner Barnard stated that he has been directed to recommend
26 that staff meet with property owners to develop an appropriate
27 process.

28
29 Mr. Bergsma emphasized that staff is willing to work with and
30 consider recommendations offered by property owners.

31
32 Commissioner Maks suggested that staff might consider testing the
33 waters with the property owners at some point to determine whether
34 more can be done with regard to this issue.

35
36 **WORK SESSION:**

37
38 **A. SCENIC TREE WORK SESSION**

39 The Scenic Tree Project Work Session is to review how jurisdictions
40 in the area approach tree protection and to begin developing a list
41 of regulatory and educational options for tree protection. The next
42 step in the Goal 5 process for this project is to conduct the
43 Environmental, Social, Economic, and Energy (ESEE) consequences
44 of allowing, limiting, or prohibiting conflicting uses in the resource.

1 This work session will help staff and the Planning Commission
2 identify the limit category for this analysis, and will neither
3 determine the final program nor adopt any regulations.
4

5 At the request of Ms. Fryer, the Work Session for The Scenic Tree
6 Project was continued to January 8, 2003.
7

8 Ms. Fryer requested that the Planning Commissioners review the
9 Memorandums that had been distributed with regard to this project.
10

11 APPROVAL OF MINUTES:

12

13 Minutes of the meeting of October 30, 2002, submitted. Commissioner
14 Maks requested that line 16 of page 5 be amended, as follows:
15 "...~~McDonald's~~ Denney's Restaurant..." Commissioner Johansen
16 requested that line 43 of page 4 be amended, as follows: "...staff
17 believes that statewide stabilized values..." Commissioner Johansen
18 requested that line 36 of page 29 be amended, as follows: "...denials
19 without ~~precedence~~ prejudice..." Commissioner Pogue requested that
20 lines 5 through 7 of page 16 be amended, as follows: "~~Pointing out that~~
21 ~~he currently experiences no interference,~~ Commissioner Pogue
22 questioned whether the addition of a second tower has the potential to
23 create interference where none had existed previously."
24 Commissioner Maks **MOVED** and Commissioner Johansen
25 **SECONDED** a motion that the minutes be approved as amended.
26

27 Motion **CARRIED**, unanimously.
28

29 Minutes of the meeting of November 6, 2002, submitted.
30 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a
31 motion that the minutes be approved as written.
32

33 Motion **CARRIED**, unanimously, with the exception of Commissioner
34 Pogue, who abstained from voting on this issue.
35

36 MISCELLANEOUS BUSINESS:

37

38 The meeting adjourned at 10:41 p.m.